

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla,  
Rio Brazos, Rutheron & Plaza Blanca,  
Cañones Creek, Village of Chama

**MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendant in the Village of Chama subsection of Section 7:

Dr. Pat Hale                      CHCV-003-0005A  
    CHCV-003-0005B

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendant was entered on November 26, 2007 (Doc. No. 9021).
2. The above-named defendant has approved the State’s proposed Consent Orders with respect to subfiles CHCV-003-0005A and CHCV-003-0005B.
3. The entry of default with respect to the above-named defendant should be set aside.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendant Dr. Pat Hale.

DATED: December 4, 2007

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 phone  
(505) 867-2299 facsimile

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 4th day of December, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Dr. Pat Hale  
7100 Manual NE  
Albuquerque, NM 87110